

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NOS. C-100722
		C-100723
Plaintiff-Appellant,	:	C-100724
		TRIAL NOS. 10TRC-22221(A-C)
vs.	:	
NEIL SEHGAL,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar. This judgment entry is not an opinion of the court.¹

On May 1 2010, defendant-appellant Neil Sehgal was arrested for two counts of operating a motor vehicle while under the influence of alcohol ("OVI"),² and for failing to remain in his lane of travel.³ Sehgal filed a motion to suppress evidence, claiming that the arresting officer lacked the proper justification to stop him. The trial court granted the motion, and the state now appeals.

The state first argues that the trial court erred in granting Sehgal's motion to suppress, arguing that Ohio State Highway Patrol Trooper Chris Sanger had a reasonable and articulable suspicion that Sehgal had committed at least one traffic offense that justified the traffic stop. We agree.

Trooper Sanger passed Sehgal's vehicle while traveling in the opposite direction on Linwood Avenue. Trooper Sanger reported seeing Sehgal's vehicle travelling on or over

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 11.1.1.

² R.C. 4511.19(A)(1)(d) and R.C. 4511.19(A)(1)(a).

³ R.C. 4511.33.

the center line multiple times. He also saw Sehgal turn left from a left-turn-only lane without signaling to indicate his intention to turn.

The trial court held that the allegations of marked-lane violations were “minimal, de minimus in this case” and therefore, were not enough to justify a traffic stop. But even a minor violation is sufficient to establish the probable cause necessary to initiate a traffic stop.⁴ Further, the trial court incorrectly concluded that R.C. 4511.39(A) does not require the use of a turn signal when in a turn-only lane.⁵ The statute makes no such exception. Therefore, the state’s first assignment of error is sustained.

In the state’s second assignment of error, it claims that Trooper Sanger had probable cause to arrest Sehgal for the two OVI violations. In his brief, Sehgal concedes that, if the initial traffic stop was justified, then his subsequent conduct provided sufficient probable cause to allow Trooper Sanger to make the arrest. We agree and sustain the second assignment of error.

The trial court’s entry granting the motion to suppress is reversed, and this cause is remanded to the trial court for further proceedings.

DINKELACKER, P.J., HILDEBRANDT, J. and CUNNINGHAM, J.

To the Clerk:

Enter upon the Journal of the Court on September 7, 2011

per order of the Court _____.
Presiding Judge

⁴ *City of Dayton v. Erickson*, 76 Ohio St.3d 3, 10-12, 1996-Ohio-431, 665 N.E.2d 1091.

⁵ See R.C. 4511.39(A) (“No person shall turn a vehicle *** without giving an appropriate signal in the manner hereinafter provided. When required, a signal of intention to turn *** shall be given continuously during not less than the last one hundred feet traveled *** before turning ***.”).